IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.MC.No. 179 of 2007()

CC.147/2006 of J.F.C.M. COURT, KOTHAMANGALAM
(CRIME NO. 519/05 OF KOTHAMANGALAM POLICE STATION)

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PETITIONER/ACCUSED:

V.T. ANTONY, AGED 43
S/O. LATE V.A. THOMAS, VELUTHEDATH HOUSE
EDAKOCHI, KOCHI - 6.

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP. BY S.I. OF POLICE
KOTHAMANGALAM POLICE STATION
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. LATHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 179 of 2007

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Dated this the 23rd day of January, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 420 I.P.C. Cognizance has been taken on the basis of the final report submitted by the police. The police did not arrest the petitioner in the course of the investigation. The learned Magistrate has now issued a warrant of arrest against the petitioner. The petitioner is willing to surrender before the learned Magistrate. He apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is in these circumstances prayed that appropriate directions under Section 482 Cr.P.C. may be issued in favour of the petitioner.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner when he surrenders before the learned Magistrate, on

merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed. I may however hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R. BASANT)
Judge

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